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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,536	10/28/2003	Ibert Clifton Wells	800812-0008	8090

27910 7590 04/23/2004  
STINSON MORRISON HECKER LLP  
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KANSAS CITY, MO 64106-2150

EXAMINER

KUMAR, SHAIENDRA

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/695,536

Applicant(s)

WELLS, IBERT CLIFTON

Examiner

SHAIENDRA - KUMAR

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-32 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**Claims 1-32 are pending in this application.**

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

Group I claim(s) 1-7, 12, and 22-32, drawn to compounds, composition and method of use when R7 is furanyl and benzofuranyl, Class 549, subclass 429+.

Group II, claim(s) 1-6, 8 and 22-32, drawn to compounds, composition and method of use when R7 is pyrrolyl, Class 548, subclass 560+

Group III, claim(s) 1-6, 9, 13 and 22-32, drawn to compounds, composition and method of use when R7 is thiophenyl and benzothiophenyl, class 549, subclass 29+.

Group IV, claim(s) 1-6, 10, and 22-32, drawn to compounds, composition and method of use when R7 is pyridine, class 546, subclass 304+.

Group V, claim(s) 1-6, 11, and 22-32 drawn to compounds, composition and method of use when R7 is indolyl, class 548, subclass 452+.

Group VI, claim(s) 1-6, 14-15, and 22-32, drawn to compounds, composition and method of use when R7 is quinolyl and isoquinolyl, class 546, subclass 152+.

Group VII, claim(s) 1-6, 16, and 22-32 drawn to compounds, composition and method of use when R7 is imidazolyl, class 548, subclass 335.1+

Group VIII, claim(s) 1-6, 17, and 22-32, drawn to compounds, composition and method of use when R7 is thiazolyl, class 548, subclass 146+.

Group IX, claim(s) 1-6, 18 and 22-32, drawn to compounds, composition and method of use when R7 is pyrazinyl, class 544, subclass 336+.

Group X, claim(s) 1-6, 19, and 22-32, drawn to compounds, composition and method of use when R7 is pyrimidinyl, class 544, subclass 242+.

Group XI, claim(s) 1-6, 20 and 22-32, drawn to compounds, composition and method of use when R7 is purinyl, class 544, subclass 264+.

Group XII, claim(s) 1-6, 21-32, drawn to compounds, composition and method of use when R7 is pteridinyl, class 544, subclass 349+.

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**Additionally, applicant needs to elect a single disclosed species for either of the group elected.**

2. The 12 Groups above are structurally divergent and are classified separately according to US classification system. A reference anticipating one of the above group may not render the others obvious under 35 USC 103, hence the restriction requirement is deemed proper.

3. In view of the complexity of the restriction requirement, a written restriction requirement has been required.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA - KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAIENDRA - KUMAR  
Primary Examiner  
Art Unit 1621

S.Kumar  
4/22/04